

PAYNE & FEARS LLP  
ATTORNEYS AT LAW  
ONE EMBARCADERO CENTER, SUITE 2300  
SAN FRANCISCO, CA 94111  
(415) 398-7860

JEROME SCHREIBSTEIN (SBN 154051)  
STEPHEN K. ROBINSON (SBN 217898)  
PAYNE & FEARS LLP  
One Embarcadero Center, Suite 2300  
San Francisco, CA 94111  
Telephone: (415) 398-7860  
Facsimile: (415) 398-7863

Attorneys for Defendant and Cross-Claimant  
RICK BOYNTON

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

\*E-FILED - 12/8/06\*

VARIABLE ANNUITY LIFE INSURANCE  
COMPANY,

Plaintiff,

v.

RICK BOYNTON, and DOES 1 through 25,

Defendants.

AND RELATED CROSS-CLAIM.

CASE NO. C06-04477 RMW (PVT)

**NOTICE OF SUBSTITUTION OF  
COUNSEL FOR DEFENDANT AND  
CROSS-CLAIMANT RICK BOYNTON  
AND ~~PROPOSED~~ ORDER**

TO ALL PARTIES HEREIN AND TO THEIR COUNSEL OF RECORD:

NOTICE IS HEREBY GIVEN that Defendant and Cross-Claimant RICK BOYNTON hereby substitutes JEROME SCHREIBSTEIN and STEPHEN K. ROBINSON of the law offices of PAYNE & FEARS LLP, One Embarcadero Center, Suite 2300, San Francisco, California, 94111; (415) 398-7860, in place and in stead of PHILLIP J. GRIEGO, ESQ., and ROBERT E. NUDDLEMAN, ESQ. of the law firm of PHILLIP J. GRIEGO & ASSOCIATES, 95 South Market Street, Suite 500, San Jose, California, 95113.

////

////

////

////

I hereby accept this substitution.

DATED: November 28, 2006

By: /s/

RICK BOYNTON  
Plaintiff

I hereby accept this substitution.

DATED: November 28, 2006

PAYNE & FEARS LLP

By: /s/

JEROME SCHREIBSTEIN  
STEPHEN K. ROBINSON  
Attorneys For Defendant  
RICK BOYNTON

I hereby accept this substitution.

DATED: November 28, 2006

PHILLIP J. GRIEGO & ASSOCIATES

By: /s/

PHILLIP J. GRIEGO  
ROBERT E. NUDDLEMAN  
Attorneys for Defendant  
RICK BOYNTON

### **ORDER**

The above substitution of attorney read and considered, IT IS SO ORDERED.

Dated: 12/8, 2006

By: /s/ Ronald M. Whyte

~~PATRICIA V. TRUMBULL~~  
United States District Judge

336660.1